UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO

WILLIAM JEWELL, : CASE NO. 1:06-cv-01391

Plaintiff,

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vs. : OPINION & ORDER : [Resolving Doc. 19].

COMMISSIONER OF, SOCIAL SECURITY

:

Defendant. :

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Plaintiff William Jewell appeals to this Court the final decision of the Commissioner of Social Security denying his application for disability insurance benefits. [Doc. 1]. The Court automatically referred this matter to United States Magistrate Judge Baughman pursuant to Local Rule 72.2. [Doc. 3]. On March 12, 2008, Magistrate Judge Baughman issued a report and recommendation recommending this Court reverse and remand the Commissioner's decision. [Doc. 19]. On March 13, 2008, the Court ordered that all objections to the report and recommendation must be filed by March 25, 2008. On March 19, 2008, the Commissioner filed a notice that it would not object to the report and recommendation. [Doc. 20]. The Plaintiff has not filed an objection. The Court **ADOPTS** the Magistrate's report and recommendation.

The Federal Magistrates Act requires a district court to conduct a de novo review only of those portions of a Report and Recommendation to which the parties have made an objection. 28

Case: 1:06-cv-01391-JG Doc #: 22 Filed: 03/31/08 2 of 2. PageID #: 114

Case No. 1:06-cv-01391

Gwin, J.

<u>U.S.C.</u> § 636(b)(1). Parties must file any objections to a Report and Recommendation within ten

days of service. Failure to object within that time waives a party's right to appeal the magistrate

judge's recommendation. FED. R. CIV. P. 72(a); see Thomas v. Arn, 474 U.S. 140, 145 (1985);

United States v. Walters, 638 F.2d 947 (6th Cir. 1981). Absent objection, a district court may

adopt the magistrate's report without review. *Thomas*, 474 U.S. at 149. Moreover, having

conducted its own review of the parties' briefs on the issue, this Court agrees with the

conclusions of the Magistrate Judge.

Accordingly, the Court adopts in whole Magistrate Judge Baughman's findings of fact

and conclusions of law and incorporates them fully herein by reference. The Court thus

REVERSES the Commissioner's decision denying Jewell's application for disability benefits

and **REMANDS** the decision for a proper explanation of the weight given to Jewell's treating

physician's opinion and Jewell's credibility and reconsideration of the residual functioning

capacity finding with the assistance of a medical expert.

IT IS SO ORDERED.

Dated: March 31, 2008

James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE

-2-